

# California Victim Compensation and Government Claims Board

## Open Meeting Minutes

**May 2, 2005**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Monday, May 2, 2005, at 1:30 p.m. Also present was Board member Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller. Michael Ramos, San Bernardino County District Attorney was absent from the meeting.

Board staff present included Karen McGagin, Executive Officer; Richard Anderson, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; Donna Ferebee, Staff Counsel; Tim Eldred, Manager, Government Claims Program; and Missy Carrick, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

### MINUTES

The Board voted to adopt the minutes of the March 17, 2005 Board meeting.

### GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 1:30 p.m.

#### Item 1 Government Claims Consent Agenda

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following change:

Item 364 Claimant: William Kogan G553186

Claimant's attorney requested the claim be withdrawn.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed		Late Claims	
			Paid via Gov. Code §965	Paid via Claims Bill	Denied	Granted
454	331	91	36	55	29	3

#### Item 2 CLAIMANT: ASIAN, Inc. G553389

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$180,678.45 and paid pursuant to Government Code section 965.

Item 3 Tim Eldred, Manager, Government Claims Program, presented the "Department of Corrections Revision of Delegated Authority to Settle and Pay or Reject Claims from \$300 to \$1,000 each under Government Code section 935.6 and to expand to include the adjudication of claims from private citizens."

The Board voted to adopt the staff recommendation to approve the request.

### **VICTIM COMPENSATION PROGRAM**

The Board commenced the Victim Compensation Program portion of the meeting at 1:37 p.m.

### **EXECUTIVE OFFICER'S STATEMENT**

The Executive Officer reported on the following:

- California Honors Crime Victims, Survivors, and Advocates at April Tribute
- Victim Compensation Program Advisory Committee Launched March 16
- Restitution Tool Kit Released
- New Victim Compensation Program Poster Published
- VCP Spring Training Features Reimbursement Issues
- New Members Join the Board's Executive Team
- Retirement Announcement of Richard Anderson, Chief Deputy Executive Officer
- Federal Funding Faces Uncertain Future

### **CONTRACT REPORT**

Ms. McGagin reported on the "Contracts Report" dated March 2005.

Ms. McGagin reported on the contract with the California Department of Corrections (CDC) for the collection and disbursement of restitution funds for Fiscal Years 2005-2007.

The Board voted to adopt the staff recommendation to authorize the Executive Officer to execute the contract with the CDC in the amount of \$767,316.

### **REQUESTS FOR RECONSIDERATION**

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 5, agenda item number 6 request for reconsideration withdrawn, agenda item number 7 to be continued at staff's request, deny requests for reconsideration for agenda item numbers 8 through 22, and deny requests for reconsideration after Board action on a proposed decision for agenda item number 23.

Item 6	<b>CLAIMANT</b>	<b>771689V</b>
Applicant requested that reconsideration of claim be withdrawn.		
Item 7	<b>CLAIMANT</b>	<b>838398V</b>
Staff requested this claim to be continued.		
Item 8	<b>CLAIMANT</b>	<b>57829V</b>
Item 9	<b>CLAIMANT</b>	<b>452117V</b>
Item 10	<b>CLAIMANT</b>	<b>667587V</b>
Item 11	<b>CLAIMANT</b>	<b>699989V</b>
Item 12	<b>CLAIMANT</b>	<b>801734V</b>
Item 13	<b>CLAIMANT</b>	<b>810727V</b>
Item 14	<b>CLAIMANT</b>	<b>813184V</b>
Item 15	<b>CLAIMANT</b>	<b>818758V</b>

Item 16	<b>CLAIMANT</b>	<b>826720V</b>
Item 17	<b>CLAIMANT</b>	<b>827118V</b>
Item 18	<b>CLAIMANT</b>	<b>828796V</b>
Item 19	<b>CLAIMANT</b>	<b>830501V</b>
Item 20	<b>CLAIMANT</b>	<b>834747V</b>
Item 21	<b>CLAIMANT</b>	<b>835820V</b>
Item 22	<b>CLAIMANT</b>	<b>844580V</b>
Item 23	<b>CLAIMANT</b>	<b>677573V</b>

#### **CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN**

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 24 through 50.

#### **PUBLIC COMMENT**

There were no public comments.

#### **CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))**

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into a closed Executive Session with the Board's Executive Officer, Chief Counsel and Staff Counsel at 1:47 p.m. to deliberate on the proposed decisions that were taken under submission during the meeting and to discuss the following pending litigation:

- Charles Meany v. California Victim Compensation and Government Claims Board  
*San Francisco County Superior Court CPF 03503699*
- MCI Worldcom Communications Inc. v. State of California, Victim Compensation and Government Claims Board and the Department of General Services  
*Sacramento County Superior Court 04CS00978*
- Thomas v. Victim Compensation and Government Claims Board  
*San Francisco County Superior Court CPF 05505098*
- Moss v. Victim Compensation and Government Claims Board

The Board reconvened into open session at 1:49 p.m.

#### **PROPOSED DECISIONS**

Item 51	<b>CLAIMANT</b>	<b>35936V</b>
The Board voted to adopt the proposed decision.		
Item 52	<b>CLAIMANT</b>	<b>386774V</b>
The Board voted to adopt the proposed decision.		
Item 53	<b>CLAIMANT</b>	<b>645386V</b>
The Board voted to adopt the proposed decision.		

Item 54	<b><u>CLAIMANT</u></b>	<b><u>794152V</u></b>
The Board voted to adopt the proposed decision.		
Item 55	<b><u>CLAIMANT</u></b>	<b><u>807262V</u></b>
The Board voted to adopt the proposed decision.		
Item 56	<b><u>CLAIMANT</u></b>	<b><u>808904V</u></b>
Staff requested this claim to be continued.		
Item 57	<b><u>CLAIMANT</u></b>	<b><u>818365V</u></b>
The Board voted to adopt the proposed decision.		
Item 58	<b><u>CLAIMANT</u></b>	<b><u>826245V</u></b>
The Board voted to adopt the proposed decision.		

**ADJOURNMENT**

The meeting was adjourned at 1:50 p.m.

KAREN McGAGIN  
Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of \_\_\_\_\_ at \_\_\_\_\_, California.

Date: \_\_\_\_\_ By: \_\_\_\_\_

Missy Carrick  
Board Liaison

*(Affix seal here)*